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# EMERGENCY RULE

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**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES  
Division 35 – Children’s Division  
Chapter 71 – Rules for Residential Treatment  
Agencies for Children and Youth**

**EMERGENCY AMENDMENT**

**13 CSR 35-71.070 Protection and Care of the Child.** The division is amending section (1).

*PURPOSE:* This emergency amendment conforms Rule 13 CSR 35-71.070 to sections 43.401 and 210.795, RSMo, as amended and enacted by Senate Bill 186, taking effect on August 28, 2023. As a result of this bill, section 43.401 now provides that placement providers shall file a missing child complaint with the appropriate law enforcement agency within two hours of determining that a child is missing. Section 210.795 provides that within two hours of discovering that a child in the care and custody of the Children’s Division is missing, a placement provider shall inform a law enforcement agency having jurisdiction and the National Center for Missing and Exploited Children within two hours of discovery that the child is missing.

*EMERGENCY STATEMENT:* This emergency amendment is necessary to fulfill the compelling governmental interest of having the Division’s regulations conform to the Missouri statutes. Amended sections 43.401 and 210.795, RSMo, taking effect on August 28, 2023, provide that any agency or placement provider with the care and custody of a child who is missing shall file a missing child complaint with the appropriate law enforcement agency and inform the National Center for Missing and Exploited Children (“NCMEC”) within two hours of determining the child to be missing. Although Rule 13 CSR 35-71.070(j) presently provides that licensed residential care facilities must inform certain parties, including the Division, within 6 hours of a child elopement, the rule does not require the foster parent to file a missing child complaint and inform NCMEC within two hours of determining a child to be missing. Rule 13 CSR 35-71.020 provides that a residential care facility must be compliance with the rules in Chapter 71 “[b]efore a license may be granted.” Putting the new statutory requirements of 43.401 and 210.795 into regulation will ensure that licensed residential care facilities will comply with the new statutory notification requirements. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on August 14, 2023, becomes effective August 28, 2023, and expires on February 23, 2024.

(1) Protecting the Child in Care. An agency shall submit an immediate oral report (within six (6) hours), to the division followed by a written report, within five (5) working days after the occurrence of an unusual incident, such as the death or serious injury of a child, alleged child abuse or neglect, loss of any electricity, gas, water, telephone, or any other conditions affecting the health and safety of children for a period of longer than twelve (12) hours or requires the removal of residents, or any emergency that requires summoning first responders.

**(K) Within two (2) hours of determining that a child is missing, an agency shall file a missing child complaint with the law enforcement agency having jurisdiction. If the missing child is in the custody of Children’s Division, the agency, in the same two- (2-) hour period, shall also**

inform the National Center for Missing and Exploited Children.

*AUTHORITY:* sections 210.481, 210.486, and 210.506, RSMo [2000] 2016. This rule originally filed as 13 CSR 40-71.070. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979 For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 14, 2023, effective Aug. 28, 2023, expires Feb. 23, 2024. An emergency amendment covering the same material will be published in the Sept. 15, 2023, issue of the **Missouri Register**.

*PUBLIC COST:* This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

*PRIVATE COST:* This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.